

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
OCTOBER 5, 2009  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           COUNCIL MEMBER ROXANNE M. BURNS  
                  COUNCIL MEMBER JOSEPH M. BUTLER, JR.  
                  COUNCIL MEMBER JEFFREY M. SMITH  
                  MAYOR GRAHAM

**ABSENT:**           COUNCIL MEMBER JASON R. BURTO

**ALSO PRESENT:**   PLANNING & COMMUNITY DEVELOPMENT  
                          COORDINATOR KENNETH MIX  
                          ATTORNEY JAMES A. BURROWS

The City Manager presented the following reports to the Council:

- 1 -     Accepting Bid for Purchase of Emergency Fire Escape Systems, NY RIG
- 2 -     Authorizing Sale of Real Property, Known as 730 Davidson Street to Doris Shortt, 728 Davidson Street, Watertown, New York 13601
- 3 -     Approving Memorandum of Understanding Between the City of Watertown and the Town of Watertown, Disinfection Byproducts Study
- 4-     An Ordinance Authorizing the Issuance of \$295,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Hydroelectric Facility Equipment, Including a Crane Boom on a Trolley System, for Use at the Hydroelectric Facility, in and for Said City
- 5-     Public Square Traffic Signal Update
- 6-     Fall Bulk Drop Off Program Flyer

**COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

Mayor Graham noted that Council Member Burto's wife had been in a car accident earlier in the day.

The reading of the minutes of the regular meeting of September 21,2009 and the adjourned meeting of September 28, 2009, was dispensed with and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

**COMMUNICATIONS**

From the Italian American Civic Association inviting Council to attend the raising of the Italian Flag in front of City Hall on Monday, October 12<sup>th</sup> at noon.

**ABOVE PLACED ON FILE**

From the River Committee, thanking Council for considering the recommending names for the soon to be dedicated parks that the River Committee had previously submitted. They respectfully asked that City Council reconsider the name proposed for the new park on Newell Street. The committee feels very strongly that this park should retain “Hole Brothers” in its official name and “Hole Brothers Whitewater Park” is their preferred choice.

**ABOVE PLACED ON FILE**

From Wayne Zimmer requesting that people remove their hats when they enter the City Council Chambers.

**ABOVE PLACED ON FILE**

The following claims against the City were received:

1. From Grace Marzano requesting that her claim previously submitted by reconsidered.
2. From Stephanie Badi for damage to her vehicle when she struck a manhole cover on Dorsey Street.

**ABOVE CLAIMS REFERRED TO THE BOARD OF AUDIT**

**PRIVILEGE OF THE FLOOR**

No one spoke.

**R E S O L U T I O N S**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Purchasing Department has advertised and received sealed bids for the purchase of 82 new and unused self-contained Emergency Escape Systems, per specifications and to be in full compliance with NYS statute 12NYCCR part 800.7 for use by the Fire Department, and

WHEREAS invitations to bid were issued to six (6) prospective bidders, with a total of two (2) bids being received, and

WHEREAS on Tuesday, September 2, 2009, at 11:00 a.m. in the City Purchasing Department, the bids received were publicly opened and read, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with Milton M. Sayre, Fire Chief, and it is their recommendation that the City Council accept the bid from NY RIG, 307 Kimber Road, Syracuse, New York, in the amount of \$28,920.00 as the lowest bid meeting the City's specifications,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown accepts the bid for the purchase of 82 new and unused self-contained Emergency Escape Systems submitted by NY RIG in the amount of \$28,920.00 as the lowest qualifying bidder meeting City specifications.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING YEA.**

Prior to the vote on the resolution, Council Member Smith questioned when Dale Hermann was made deputy fire chief.

Mr. Cleaver noted that was his mistake and that Dale Hermann is not a deputy fire chief.

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS there has heretofore been bid in by the City of Watertown at a tax sale a certain lot of land known as 730 Davidson Street, approximately 29' x 123' in size, and also known and designated on the map of the Department of Assessment and Taxation of the City of Watertown, New York as Parcel No. 2-06-220.000, and

WHEREAS title to said land has since been retained by the City of Watertown as acquired at said tax sale, which title was retained by reason of the failure of anyone to redeem the same, and

WHEREAS said real property has never been assigned by the Council for a public use, and

WHEREAS the City Council desires to ensure that properties such as this property be brought into compliance with all applicable provisions of the New York State Fire Prevention and Building Code and all City of Watertown zoning and health codes within one (1) year of their sale to subsequent buyers,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1, 1985, adopted December 3, 1984, effective January 17, 1985, and the ordinance, Municipal Code, Chapter 16 adopted by the Council on June 6, 1977, that the offer of \$600.00 submitted by Doris Shortt for the purchase of Parcel No. 2-06-220.000, is a fair and reasonable

offer therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Doris Shortt upon receipt of the above mentioned sum of money in cash only by the City Comptroller.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR. AND CARRIED WITH ALL VOTING YEA.**

Prior to the vote on the resolution, Mayor Graham asked if this issue has been before Council in the past.

Mr. Mix said that the sewer lateral for 730 Davidson connected to 728 Davidson street. He also noted that the house that was on the 730 property has been demolished.

Council Member Butler asked when the City assumed the tax certificate on the property.

Mr. Mills said the City acquired the parcel on June 25, 2002 and the house was demolished a few years after that.

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City of Watertown (City) and the Town of Watertown (Town), in December of 2007, applied jointly to the New York State Department of State for a grant under the Shared Municipal Services Incentive (SMSI) Grant Program to assist in hiring a consulting firm to perform a Disinfection Byproducts Study at the City's water treatment plant and on the supply transmission and distribution networks that serve the City, Town, and customers serviced by the Development Authority of the North Country water line, and develop a plan to reduce disinfection byproducts in the systems, in order to comply with the requirements of the Safe Drinking Water Act, USEPA, and the New York State Department of Health, and

WHEREAS the Disinfection Byproducts Study was estimated to cost \$100,000 and the SMSI grant program was designed to cover a 90% share of the project cost, with the participating municipal entities providing a matching "local municipal share" of 10% of the project cost, and

WHEREAS the City Council and the Town Board have agreed by individual resolution to each provide up to \$5,000 toward the cost of the study, and the respective boards have mutually agreed that the City of Watertown would take the lead in preparing the grant and following through with the administration process, and

WHEREAS a grant was approved by the NYS Department of State and the NYS Comptroller in the amount of \$86,940, based upon the State's estimated project cost of \$96,600,

with the State's share to be 90% or \$86,940, the City's share to be 5% or \$4,830, and the Town's share to be 5% or \$4,830, and

WHEREAS, after preparing and soliciting an RFP, and receiving three proposals, the City has entered into an Agreement with the firm of Hazen and Sawyer P.C. to perform the Disinfection Byproducts Study as outlined in the RFP on behalf of the City and the Town for an agreed upon fee of \$90,034, and

WHEREAS in fulfillment of the terms of the respective resolutions to enter into an inter-municipal agreement for said shared municipal service, one has been prepared for consideration by the City Council and the Town Board,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Memorandum of Understanding between the City of Watertown and the Town of Watertown for the Disinfection Byproducts study, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEAS.**

## **ORDINANCE**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. To pay the cost of hydroelectric facility equipment, including a crane boom on trolley system, for use at hydroelectric facility, in and for the City of Watertown, Jefferson County, New York, and incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$295,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$295,000 and that the plan for the financing thereof is by

the issuance of the \$295,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall have a cost of at least \$30,000.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property of said City a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable, as shall be established in proceedings under Section 93 of the City Charter.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of the City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment

dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 9. This ordinance shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this ordinance, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (2) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This ordinance, which takes effect immediately, shall be published in full in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER JR.**

**LAI D OVER UNDER THE RULES**

**The following resolution was not on the original agenda.**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS the City of Watertown owns and operates an Arena at the Alex T. Duffy Fairgrounds, and

WHEREAS City Council of the City of Watertown desires to enter into a Franchise Agreement for the operation of the Fairgrounds Ice Arena Concessions, and

WHEREAS the Watertown Hockey Association expressed their desire to continue to operate the concessions at the Ice Arena under a Franchise with the City, and

WHEREAS on September 9, 2009 the City Council approved a Franchise Agreement with the Watertown Hockey Association, and subsequent to that, the Hockey Association asked that the City reconsider some of the terms, and

WHEREAS the City and the Hockey Association have reached a new agreement for the operation of the Fairgrounds Ice Arena Concessions,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby approves the Franchise Agreement between the City of Watertown and the Watertown Hockey Association, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute a Franchise Agreement between the City of Watertown and Watertown Hockey Association.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH**

**RULES WERE WAIVED BY MOTION OF COUNCIL MEMBER BURNS, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Mayor Graham commented that this issue has come up in the past and that the hockey association is really not interested in operating the concession stand due to difficulties in staffing. He pointed out two terms which are modified in the agreement: waiving the \$2500.00 advertising portion and allowing the hours of operation of the concession stand to be scaled back. Mayor Graham quipped that the stand will also be trans-fat free because the deep fryer will not be replaced right now. He also suggested that this situation be looked at over the winter in order to help decide what to do in the future, and whether an RFP will be utilized.

Council Member Smith replied that it isn't so much that the association is not interested in operating the stand but that members' hands are full with other operations. He noted that there is interest in operating the concession stand in the future.

Council Member Burns noted that she is in support of this resolution but said that this is being done in the eleventh hour. She did say that she is glad an agreement was reached quickly.

**AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**



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## **COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

### **Development on Arsenal Street**

Council Member Butler asked about the potential development on Arsenal Street and when will discussion take place on the issue.

Mayor Graham said the question is the proposed Olive Garden and that the Town in a statement said they would put a diversion pipe in place but felt that it would be part of the Pyramid property and that this is an issue that needs to be righted.

Council Member Burns asked if this would require a sign off from the planning board.

Mayor Graham said it would be more of an engineering role.

Mr. Hauk replied that a permit would be required for any connections and that the City is doing the responsible thing making sure nothing is being made worse.

Council Member Smith asked if new connections have been approved.

Mr. Hauk said he spoke with someone by phone before any plans were in hand but once the plans are in place the project can move ahead.

Mayor Graham asked if Council could get a briefing on this at the next meeting.

Council Member Butler requested extending an invitation to Superintendent Bartlett and the Town Council for further discussion.

### **German American Day**

Mayor Graham noted that October 6, 2009, is German-American Day and that there will be a ceremony in front of City Hall.

### **Library Board**

Mayor Graham told Council that Marlene Casey was leaving the Library Board and that she will be presented with a certificate and City coin on Thursday at 10:00 a.m.

### **Meeting with Dr. Kasulke**

Mayor Graham commented that he met on Friday with Dr. Kasulke to update him on some issues and hopes to hear back from him this week.

### **Letter from River Committee**

Mayor Graham reminded Council of the letter from Dr. Jason White on behalf of the River Committee regarding the renaming of the Hole Brothers site.

Council Member Butler asked if the River Committee feels strongly about this.

Dr. White replied that a lot of money was spent on branding and that Hole Brothers is synonymous with whitewater rafting. He added that the Committee had many meetings regarding the topic.

Council Member Butler inquired about the history of the name.

Dr. White commented that they do not have a full history but that a 'hole' is a type of hydraulic that rafters and surfers can do tricks on. He added that the Mayor and Council are invited to go rafting in the spring.

Mayor Graham noted that signs have already been ordered but that this will be taken into consideration but that Hole Brothers is a colloquialism.

Dr. White said that queries in online search engines for Hole Brothers and whitewater rafting would bring up our area specifically.

Council Member Butler asked what names have been come up with so far for area parks.

Mayor Graham replied that Bicentennial, Fairgrounds Trail, Marble Street and Factory Square parks as well as Whitewater Park, in reference to Hole Brothers, have been conceptualized.

Mr. Mix said a resolution will be before Council in the next couple of months regarding the name changes.

### **Communities that Care**

Mayor Graham said he received a letter from Steve Jennings regarding Communities that Care and asked if anyone was interested in going to the meeting on October 21<sup>st</sup>.

### **Bond Ordinance**

Council Member Smith inquired if hydroelectric has its own fund.

Mr. Mills replied that it is a component of the general fund.

Council Member Butler asked about the life of the equipment.

Mr. Hauk said that it should last 15-20 years and will require some maintenance each year. He added that it may only run 30-40 minutes each week.

Council Member Butler inquired if it will be exposed to the elements.  
Mr. Hauk said it will be stored on a concrete pad.

Council Member Smith questioned if it would be housed in something to extend its life.

Mr. Hauk noted that he spoke with several companies and that there are no units available to house the equipment. In addition, he said that the cost of the building would not fit the payoff.

Council Member Butler asked if this will be used during the winter months.

Mr. Hauk said that it would be depending on the temperature.

Council Member Smith inquired what the year end revenue is for the hydroelectric fund and about what the remaining debt.

Mr. Mills replied that the revenue is \$2,805,000 and that he can have the figures regarding debt for the next meeting.

Council Member Smith stated that he has no problem with the piece of equipment. He said he would like to see the City buy down a portion of the debt up front to keep the debt load down and bonding for a very low amount, which would keep the City from adding to the debt service. He also asked how it would add to production.

Mr. Hauk replied that it depends on what the river sends our way. He noted that the City normally spends \$20,000 to \$30,000 annually to have a crane do the same work this piece of equipment will do and that the City could significantly increase its generation.

Council Member Smith noted that he is in favor of buying it up front rather than dragging it out that way it would be a pure revenue source.

Mr. Hauk commented that he agrees with the points Council Member Smith is making and that some type of fund could be set up but noted that the economy is very volatile right now.

Mr. Mills added that it is hard to say where the revenue will be next spring.

Council Member Smith stated that over a ten year period the City does not have to bond for it at all because of additional revenue plus savings and that if funds have to be taken from the capital budget, then so be it. He said that by doing these things, there would be no debt service.

Council Member Butler asked if the bonds will be issued separately.

Mr. Mills replied that they will be grouped together and sent in late first quarter or early second quarter after the City has the sales tax figures for the first nine months of its fiscal year.

Council Member Butler asked if the entire amount is bonded for, what the debt service would be over ten years.

Mr. Mills replied that it would be \$40,000 annually.

Mayor Graham inquired about the original resolution that accepted the bid for this ordinance.

Mr. Hauk stated that Upstate Testing and Control services are purchasing all equipment and will then bill the City. He added that they are following our bid procedures and that there was no resolution that Council approved.

Mayor Graham asked if the project is moving ahead regardless of how the City is choosing to finance it.

Mr. Hauk noted that to not do it is sacrificing revenue.

Council Member Butler asked if the City owns the equipment.

Mr. Hauk told Council that once the project is complete, the City will own the equipment.

Mayor Graham commented that this is a big equipment purchase and questioned if this is within the scope of the contract.

Mr. Hauk replied that extra assignments are allowed and prospective suppliers were contracted.

Mayor Graham voiced his concern whether the City was running afoul of its requirement for competitive bidding and questioned if that is what the contract anticipated.

Council and staff discussed the bids for the equipment.

Mayor Graham inquired if this is an acceptable procedure.

Mr. Cleaver replied that this is a unique piece of equipment and that there are not many bidders. He added that there was no requirement to do a public advertisement and that this is not the way he would have done it. Mr. Cleaver said that it does fall in a gray area but is still within the legal framework of the bidding procedure and within the realm of the agreement.

Mayor Graham commented that the point is that the City is buying a piece of equipment outside the realm of competitive bidding.

Mr. Cleaver noted that it depends on who issues the check as a private sector agency is paying the bill then the City is paying them. He added that the City could have gone through the bidding process but it may have taken three to six months.

Mr. Hauk told Council that in June the contract with UTC had to be redone to add dredging to the list as a recurring task.

Attorney Burrows commented that he looked at the specific topic and the agreement that was signed gives the City the opportunity to proceed forward.

Mayor Graham suggested that the circumstances be put into a letter and sent to the state comptroller regarding some way to handle this situation.

Mr. Cleaver noted that in discussions with the state comptroller, they will not disagree with anything the local counsel recommends.

Council Member Butler said that he does not have a problem with how things have transpired and that he respects Mr. Cleaver's opinion. He added that he does not see how pursuing how the City got to this point is constructive.

Mayor Graham stated that this is not meant as an attack on staff but rather just a difference of opinion on how it was approached. He said that he would rather get the crane in place than debate the issue.

Council Member Butler noted that he would like to hear Mrs. Corriveau's opinion on the issue. He also asked how much the crane and rail system will cost.

Mr. Hauk replied that the crane is approximately \$200,000.

Council Member Butler asked if a used crane ever entered into the conversation and asked again about it being left to the elements.

Mr. Hauk said that Empire Crane is the only one who had this piece of equipment as a single unit. He added that it will be painted and greased. Mr. Hauk said a tarp could be placed over the unit but said he did not see any other equipment owners doing that.

## **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 7:59 P.M.  
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL  
MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

*Amanda C. Lewis*  
Deputy City Clerk